

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Kathryn M. Zunno
Esterina Giuliani

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ALVIN J. DELAIRE, JR., *et al.*,

Defendants.

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF DEFENDANTS
ESTATE OF JANET JAFFIN, MILTON COOPER IN HIS CAPACITY AS TRUSTEE
OF THE JANET JAFFIN DISPOSITIVE TRUST AND AS CO-EXECUTOR OF THE
ESTATE OF JANET JAFFIN, MATTHEW GREENBERG AS CO-EXECUTOR OF THE
ESTATE OF JANET JAFFIN, AND LOIS LEVINE AS CO-EXECUTOR OF THE
ESTATE OF JANET JAFFIN FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Estate of Janet Jaffin, Milton Cooper in his capacity as Trustee of the Janet Jaffin Dispositive Trust and as Co-Executor of The Estate of Janet Jaffin, Matthew Greenberg as Co-Executor of The Estate of Janet Jaffin, and Lois Levine as Co-Executor of The Estate of Janet Jaffin, by and through their counsel, Jaspan Schlesinger LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Janet Jaffin Revocable Trust by filing his original complaint (ECF No. 1).

2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “FAC”) in the Adversary Proceeding against, among others, Janet Jaffin individually and in her capacity as Trustee of The Janet Jaffin Dispositive Trust and Milton Cooper in his capacity as Trustee of The Janet Jaffin Dispositive Trust (ECF No. 82).

3. On September 4, 2009, defendant Janet Jaffin Revocable Trust filed an answer to the original complaint (ECF No. 65).

4. On January 13, 2010 defendants Janet Jaffin individually and in her capacity as Trustee of The Janet Jaffin Dispositive Trust and Milton Cooper in his capacity as Trustee of The

Janet Jaffin Dispositive Trust filed an answer to the FAC (ECF No. 131).

5. Janet Jaffin died on March 27, 2013. The Estate of Janet Jaffin, Milton Cooper in his capacity as Co-Executor of The Estate of Janet Jaffin, Matthew Greenberg as Co-Executor of The Estate of Janet Jaffin, and Lois Levine as Co-Executor of The Estate of Janet Jaffin were substituted as defendants in place of Janet Jaffin by Order dated May 15, 2015 (ECF No. 322).

6. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Parties entered into a settlement agreement.

7. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of all of the Trustee's claims against defendants Estate of Janet Jaffin, Milton Cooper in his capacity as Trustee of the Janet Jaffin Dispositive Trust and as Co-Executor of The Estate of Janet Jaffin, Matthew Greenberg as Co-Executor of The Estate of Janet Jaffin, and Lois Levine as Co-Executor of The Estate of Janet Jaffin in the Adversary Proceeding.

8. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

9. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

10. Upon the dismissal of defendants Estate of Janet Jaffin, Milton Cooper in his capacity as Trustee of the Janet Jaffin Dispositive Trust and as Co-Executor of The Estate of Janet Jaffin, Matthew Greenberg as Co-Executor of The Estate of Janet Jaffin, and Lois Levine as Co-

Executor of The Estate of Janet Jaffin, the caption of the Adversary Proceeding is hereby amended to delete defendants Estate of Janet Jaffin, Milton Cooper in his capacity as Trustee of the Janet Jaffin Dispositive Trust and as Co-Executor of The Estate of Janet Jaffin, Matthew Greenberg as Co-Executor of The Estate of Janet Jaffin, and Lois Levine as Co-Executor of The Estate of Janet Jaffin from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

Dated: September 25, 2017
New York, New York

BAKER HOSTETLER LLP

By: /s/ Esterina Giuliani

Esterina Giuliani
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
Email: egiuliani@bakerlaw.com

David J. Sheehan
Email: dsheehan@bakerlaw.com
Kathryn M. Zunno
Email: kzunno@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and
the Estate of Bernard L. Madoff*

JASPAN SCHLESINGER LLP

By: /s/ Jeffrey H. Schwartz

Jeffrey H. Schwartz
300 Garden City Plaza, 5th Floor
Garden City, New York 11530
Telephone: 516.393.8290
Facsimile: 516.393.8282
Email: jschwartz@jaspanllp.com

*Attorneys for Defendants Estate of Janet
Jaffin, Milton Cooper in his capacity as
Trustee of the Janet Jaffin Dispositive
Trust and as Co-Executor of The Estate of
Janet Jaffin, Matthew Greenberg as Co-
Executor of The Estate of Janet Jaffin,
and Lois Levine as Co-Executor of The
Estate of Janet Jaffin*

SO ORDERED this 25th day of September 2017.

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN
United States Bankruptcy Judge

EXHIBIT A

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ALVIN J. DELAIRE, JR., THE ESTATE OF
STANLEY MERWIN BERMAN A/K/A
STANLEY M. BERMAN, JONATHAN
GREENBERG, MORTON KURZROK, LINDA
SCHOENHEIMER MCCURDY, RICHARD
SPRING, JANE M. DELAIRE A/K/A JANE
DELAIRE HACKETT, CAROLE DELAIRE,
JOYCE BERMAN INDIVIDUALLY AND IN
HER CAPACITY AS EXECUTOR OF THE
ESTATE OF STANLEY MERWIN BERMAN
A/K/A STANLEY M. BERMAN, S & J
PARTNERSHIP, THE SPRING FAMILY
TRUST, and JEANNE T. SPRING TRUST,

Defendants.